

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:05CR3104
)	
v.)	
)	
MARIO GOLLIDAY,)	ORDER OF TENTATIVE FINDINGS
)	
Defendant.)	
_____)	

The defendant has objected to paragraph 45 of the Revised Presentence Investigation Report, having to do with an offense dated 6/19/05 for third degree assault for which he was sentenced to 90 days in jail. He has requested an evidentiary hearing and expects the defendant to testify. He has also filed a motion for downward departure due to over-representation of criminal history, a motion for downward departure due to lesser harms, and a request to deviate from the otherwise applicable guideline range.

The requested evidentiary hearing shall be granted. He has not specified the amount of time expected for the oral testimony, but I should think 30 minutes would be sufficient for the direct examination and 30 minutes for cross-examination.

Accordingly, the facts set out in the Revised Presentence Investigation Report are true, except as to paragraph 45 of the Revised Presentence Investigation Report and the motions filed.

The evidentiary hearing will be at the time of the sentencing.

Dated August 30, 2006.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge